

G-008/C-91-942 ORDER GRANTING TIME EXTENSIONS

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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| Don Storm | Chair |
| Tom Burton | Commissioner |
| Cynthia A. Kitlinski | Commissioner |
| Dee Knaak | Commissioner |
| Norma McKanna | Commissioner |

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| In the Matter of the Petition of the Minnesota Alliance for Fair Competition for an Order Requiring the Separation of Minnegasco's Appliance Sales and Service for Minnegasco | ISSUE DATE: July 15, 1992 DOCKET NO. G-008/C-91-942 ORDER GRANTING TIME EXTENSIONS |
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PROCEDURAL HISTORY

On January 4, 1991, the Commission issued its ORDER INITIATING INVESTIGATION AND REQUIRING REPORT in Docket No. G,E-999/CI-90-1008, In the Matter of the Complaint of the Minnesota Alliance for Fair Competition Against Minnegasco, a Division of Arkla, Inc.. As a result of that Order, the Commission opened an investigation of appliance sales and service practices by Minnesota gas and electric utilities.

On November 27, 1991, the Minnesota Alliance for Fair Competition (MAC) filed a complaint with the Commission against Minnegasco. MAC alleged that Minnegasco engages in improper subsidization of its nonregulated appliance sales and service through its regulated utility operation. As a result of the complaint, the Commission opened the current complaint docket in the January 29, 1992 ORDER SEVERING MINNEGASCO FROM THE INVESTIGATION DOCKET, GRANTING DISCOVERY RIGHTS, REQUIRING REPORT AND AUTHORIZING COMMENT. The Commission also created a time schedule for future filings by the parties. Under that schedule, MAC was required to file a report on Minnegasco's sales and service practices by May 26, 1992. Other interested parties were allowed 30 days from the filing of MAC's comments to submit their responsive comments.

On June 16, 1992, the Commission issued its ORDER DISMISSING MOTIONS AND GRANTING TIME EXTENSION. Among other things, that Order allowed MAC a time extension until June 24, 1992 for filing its report. The time extension was in response to a joint request by Minnegasco and MAC.

MAC filed its report on June 12, 1992. Under the terms of the Commission's November 27, 1991 Order, responsive comments would be due from Minnegasco and the Department of Public Service (the Department) on July 12, 1992.

On June 23, 1992, Minnegasco requested a time extension until July 24, 1992 for filing its comments.

MAC filed comments in opposition to Minnegasco's request on June 26, 1992.

On July 2, 1992, the Department filed a request for an extension of its filing deadline until 20 days after the date of Minnegasco's filing. Neither MAC nor Minnegasco opposed the Department's request.

The matter came before the Commission for consideration on July 9, 1992.

FINDINGS AND CONCLUSIONS

Minnegasco's Request

Minnegasco stated that it had prepared this case under the assumption that MAC would file its report on or about June 24, 1992, the deadline approved by the Commission in response to MAC's and Minnegasco's joint request. When MAC filed its report 12 days prior to its deadline, Minnegasco was thrown off schedule. Minnegasco also stated that its personnel are hard-pressed to prepare for both its newly-filed general rate case and the issues of this investigation. Many individuals are working on both these major proceedings. For these reasons, Minnegasco asked that its filing deadline be extended by 12 days to the originally contemplated July 24, 1992.

MAC argued that it had filed its report prior to the June 24 deadline in order to expedite this already delayed proceeding. MAC stated that holding Minnegasco to its 30 day deadline would minimize possible ongoing harm to ratepayers and competitors. MAC urged the Commission to reject Minnegasco's request for a delay so that issues in this docket can if necessary be addressed in a timely fashion as part of Minnegasco's rate case.

The Commission finds that Minnegasco's request for a 12-day time extension is reasonable and should be granted. The Commission notes that preparing for a general rate case is a time-consuming undertaking and will strain the resources of personnel involved in both the rate case and the appliance investigation. It is reasonable to allow Minnegasco 12 further days to examine MAC's

report before filing the Company's responsive comments. A limited delay of 12 days will not prejudice any party. The Commission will grant Minnegasco's request.

The Department's Request

The Department stated that it is necessary for it to review MAC's report and Minnegasco's responsive comments before it can formulate a complete and fair response. A time delay would facilitate the Department's investigative function by allowing the Department to focus on the specific issues raised and unresolved in the parties' filings. For these reasons, the Department requested that it and any other party be granted a time extension to file comments until 20 days after Minnegasco's filing.

The Commission finds that the Department's reasoning is sound. It would not be helpful to force parties to file comments before they have had a chance to digest MAC's report and Minnegasco's response. Although the Commission appreciates the need to keep this proceeding moving as quickly as possible, the limited delay requested by the Department is necessary for a full and fair response. The Commission will grant the Department's request.

ORDER

1. Minnegasco is granted a time extension until July 24, 1992 to file its comments in response to MAC's report.
2. The Department and any other interested party may file comments within 20 days after the filing of Minnegasco's comments.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Richard R. Lancaster
Executive Secretary

(S E A L)